REMARKS/ARGUMENTS

Applicants have received the Office Action dated April 17, 2008, in which the Examiner: 1) rejected claims 9 and 12 under 35 U.S.C. § 112, 2nd paragraph, as being allegedly indefinite; and 2) rejected claims 1-19 under 35 U.S.C. § 102(b) as being allegedly unpatentable over Ausubel (U.S. Pat. No. 6,021,398). With this Response, Applicants traverse all claim rejections.

I. REJECTIONS UNDER 35 U.S.C. § 112, 2ND PARAGRAPH

The Examiner rejected claims 9 and 12 alleging that the word "processor" is somehow indefinite. The Examiner did not explain why it is believed the word "processor" renders the claims indefinite. The Examiner instead stated the assumption that "processor refers to a computer generated application." Applicants are not entirely sure what a "computer generated application" is and fail to understand the Examiner's point. The word processor is well-described in the specification. For example, Fig. 4 shows a system diagram which contains a processor 202. Page 8 para. [0031] of the specification explains that an auction application 220 is stored in memory and "is executed by processor 202." Claims 9 and 12 also require the processor to be used to execute an application. Applicants certainly desire for the claims to be clear, but fail to understand why reference to a processor in claims 9 and 12, somehow renders the claims indefinite.

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claim 1 is as follows:

A method of analyzing auction data, comprising:
organizing previously acquired auction data into a plurality of sub-samples, each sub-sample comprising bid data associated with auctions having a common number of bidders, the number of bidders varying among the sub-samples;
applying an inverse bid function to at least two sub-samples;
pooling results from applying the inverse bid function to form a first pool;
applying a direct bid function on the first pool to generate sample bids;
matching bids from at least one sub-sample to the sample bids; and
pooling results from the matching with the first pool to form a second pool.

The Examiner believes claim 1 to be anticipated by Ausebel and thus that Ausebel discloses each and every limitation of claim 1. Applicants disagree for multiple reasons.

Claim 1 requires that previous auction data is organized into a plurality of sub-samples and that "each sub-sample comprising bid data associated with auctions having a common number of bidders, the number of bidders varying among the sub-samples." For this quoted limitation, the Examiner cited Ausebel at col. 6 lines 39-43 which provides:

> A message is a signal or data sent from the auctioneer's system to user i's system. A message may include (but is not required to include or restricted to including) each of the following: the current proposed terms of trade for the auction (e.g. prices and/or quantities), information about the history of bidding (e.g. the total quantity bidders demanded in response to the previous message, the number of remaining bidders, or their identities), an indicator of whether the auction is still in process, a time stamp, the identity of the bidder to whom the message is directed, and information used for security purposes. The set of possible messages includes the null message.

Applicants fail to understand how that passage from Ausebel teaches that sub-samples of auction data in which each sub-sample comprises bid data for auctions having the same number of bidders, with the number of bidders varying from one sub-sample to the next. Applicants do not believe that Ausebel at all teaches this claim limitation.

Claim 1 also requires "applying an inverse bid function to at least two sub-samples." The Examined used Ausebel at col. 6 lines 50-51 for this limitation. Those two lines specify that "[b]idding information may include a bidding rule such as a scalar-value, vector-value or function...." That passage, or elsewhere in Ausebel, does not at all teach or even allude to the use of an inverse bid function.

Claim 1 further requires "pooling results from applying the inverse bid function to form a first pool." The Examined used Ausebel at col. 6 lines 60-63 for this limitation. Those lines specify that "[b]idding rule may indicate the willingness to make an unconditional bid or a contingent bid, and may consist of a function based on available information as to bid quantities...." That passage, or

elsewhere in Ausebel, does not all teach or even suggest pooling results from applying the inverse bid function to form a first pool.

Claim 1 also requires "applying a direct bid function on the first pool to generate sample bids." The Examined used Ausebel at col. 6 lines 60-63 for this limitation. The Examiner used this same passage of Ausebel for allegedly teaching a different claim limitation ("pooling results from applying the inverse bid function to form a first pool"). Even if the quoted passage from Ausebel did teach "pooling results from applying the inverse bid function to form a first pool" (which Applicants dispute as discussed above), that very same passage certainly cannot be said to teach a different limitation. At a minimum, clarification from the Examiner is requested. At any rate, col. 6 lines 60-63 ("[b]idding rule may indicate the willingness to make an unconditional bid or a contingent bid, and may consist of a function based on available information as to bid quantities") does not at all teach "applying a direct bid function on the first pool to generate sample bids."

The last two limitations of claim 1 comprise "matching bids from at least one sub-sample to the sample bids" and then "pooling results from the matching with the first pool to form a second pool." For both of these limitations, the Examiner cited to col. 33 lines 19-22 of Ausebel. Applicants fail to understand how the quoted passage, if it did indeed teach "matching bids from at least one sub-sample to the sample bids," could also be said to teach a different limitation ("pooling results from the matching..."), or vice versa. At any rate, the quoted passage mentions "compare[ing] current maximized bid revenues M with a function of the maximized bid revenues obtained in previous iteration(s) of the loop... ." Comparing maximized bid revenues between iterations of a loop is not at all the same as matching bids from at least one sub-sample to the sample bids as required by the claim. Further, there is no teaching at col. 33 lines 19-22, or elsewhere in Ausebel of pooling the results from the matching with the first pool to form a second pool.

For any or all of these reasons, claim 1 and its dependent claims are in condition for allowance over Ausebel. The remaining independent claims and their dependent claims contain one or more of the limitations discussed above and thus are allowable for much the same reasons.

Additional reasons exist to support the patentability of the remaining independent claims. For example, claim 5 requires "combining the first and second pseudo values together to produce combined auction values." The Examiner used col. 6 lines 50-51 for this limitation. However, the Examiner used these two lines of Ausebel as allegedly teaching a completely different limitation. In claim 1, the Examiner alleged that col. 6 lines 50-51 taught "applying an inverse bid function to at least two sub-samples." Applicants fail to understand the Examiner's logic. Specifically, if "[b]idding information may include a bidding rule such as a scalar-value, vector-value or function" (Ausebel col. 6 lines 50-51) teaches "applying an inverse bid function to at least two sub-samples," Applicants fail to understand how that same passage from Ausebel can also be said to teach "combining the first and second pseudo values together to produce combined auction values" (claim 5). At any rate, the quoted passage from Ausebel has no such teaching for the quoted limitation of claim 5.

III. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of

time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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